



09762863 .050201

PATENT

MAY 02 2001

Attorney's Docket No. 4463

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## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

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As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is of the following type: (*check one applicable item below*)

original  
 design  
 supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

national stage of PCT (under 35 U.S.C. §371)

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

divisional  
 continuation  
 continuation-in-part (CIP)

### INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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### TITLE OF INVENTION

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#### THIN FILM STRAIN SENSORS BASED ON INTERFEROMETRIC OPTICAL MEASUREMENTS SPECIFICATION IDENTIFICATION

the specification of which: (*complete (a), (b) or (c)*)

(a)  is attached hereto.

(b)  was filed on February 14, 2001 as  Serial No. 09/762,863 or  Express Mail No., as Serial No. not yet known EL733959046US and was amended on \_\_\_\_\_ (*if applicable*).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c)  was described and claimed in PCT International Application No. PCT/US99/19601 filed on 25 August 1999 and as amended under PCT Article 19 on \_\_\_\_\_ (*if any*).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

X which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following items, if desired)*

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

**PRIORITY CLAIM (35 U.S.C. § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

(d) — no such applications have been filed.

(e) X such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
US	60/097,989	26 August 1998	<u>X</u> YES NO —
			— YES NO —
			— YES NO —
			— YES NO —
			— YES NO —

**PRIORITY CLAIMED ALL FOREIGN APPLICATION(S); IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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PCT/US99/19601 filed 25 August 1999

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

*K*  
 Maurice E. Gauthier - 20,798  
 Richard L. Stevens - 24,445  
 Matthew E. Connors - 33,298

William E. Hilton - 35,192  
 Patrick J. O'Shea - 35,305  
 Arlene J. Powers - 35,985  
 Richard L. Stevens, Jr - 44,357

*(check the following item, if applicable)*

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(*Name and telephone number*)

Richard L. Stevens, Esq.  
Samuels, Gauthier & Stevens LLP  
225 Franklin Street  
Suite 3300  
Boston, Massachusetts 02110

Richard L. Stevens  
 (617) 426-9180  
 Extension 122

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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

## Full name of sole or first inventor

1/00  
William  
 (GIVEN NAME)

B.  
 (MIDDLE INITIAL OR NAME)

Euler  
 FAMILY (OR LAST NAME)

Inventor's signature

William B. Euler

Date 4/6/01

Country of Citizenship US

Residence

35 Flintstone Road RI  
Narragansett, Rhode Island 02882

Post Office Address

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## Full name of second joint inventor, if any

2/00  
Otto  
 (GIVEN NAME)

J.  
 (MIDDLE INITIAL OR NAME)

Gregory  
 FAMILY (OR LAST NAME)

Inventor's signature

Otto J. Gregory

Date 4/6/01

Country of Citizenship US

Residence

87 Westwind Road RI  
Wakefield, Rhode Island 02879

Post Office Address

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## Full name of third joint inventor, if any

3/00  
Gregg  
 (GIVEN NAME)

S.  
 (MIDDLE INITIAL OR NAME)

Huston  
 FAMILY (OR LAST NAME)

Inventor's signature

"non-signing inventor-completed on added pages"

Date \_\_\_\_\_ Country of Citizenship US

Residence

23 Tomahawk Trail RI  
Wakefield, Rhode Island 02879

Post Office Address

*CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION*

— Signature for fourth and subsequent joint inventors. *Number of pages added* \_\_\_\_\_.

\* \* \*

— Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_.

\* \* \*

X Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. *Number of pages added* 1 \_\_\_\_\_.

\* \* \*

— Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

\* \* \*

X Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-l-P) application.

X *Number of pages added* 2 \_\_\_\_\_

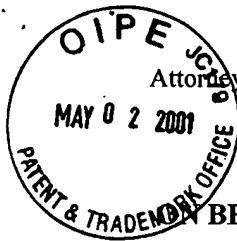
\* \* \*

— Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

*(If no further pages form a part of this Declaration, then end this Declaration with  
this page and check the following item.)*

— This declaration ends with this page.

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**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
BEHALF OF NONSIGNING INVESTORS(S) WHO REFUSE(S) TO SIGN OR CANNOT BE  
REACHED (37 CFR 1.47(a))**

**Warning:** "37 C.F.R. § 1.47(a) and 35 U.S.C § 116 ¶ 2 require all available joint inventors to file an application on 'on behalf' of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in application.'" M.P.E.P. § 409.03(a), 6<sup>th</sup> ed., rev 3 (emphasis added). See also 62 Fed. Reg. 53, 131, 53, 137, 203 O.G. 68 (Oct. 10, 1997).

I. We are above named joint inventors and have signed this declaration on our own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full Name of (first, second, etc.) Gregg S. Huston

nonsigning inventor who

   refuses to sign  
X cannot be found or reached

NOTE: The name of nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of the nonsigning inventor:  
U.S.

Last Known address of nonsigning inventor:  
23 Tomahawk Trail  
Wakefield, Rhode Island 02879

NOTE: Ordinarily the last known address will be the last known residence of nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement of Facts in Support of Filing on Behalf of Omitted Inventor. MPEP § 409.03(e), 6<sup>th</sup> ed.

II. Accompanying this declaration is:

(1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF ON  
NONSIGNING INVENTOR PURSUANT TO 37 CFR 1.47

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(h))

William B. Euler  
 (type or print name of joint inventor  
 signing on behalf of nonsigning  
 inventor)

Otto J. Gregory

William B. Euler  
 Signature  
Otto J. Gregory



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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER  
35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:				
U.S. APPLICATIONS			Status (Check One)	
U.S. APPLICATIONS	U.S. FILING DATE			
1. 0 / __, __		Patented	Pending	Abandoned
2. 0 / __, __				
3. 0 / __, __				
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)		
4. PCT/US99/19601	25 August 1999 (25.08.99)			
5.				
6.				

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT  
APPLICATIONS**

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119		
	Country and Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4. PCT/US99/19601	US 60/097,989	26 August 1998	
5.			
6.			



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPICANT: Euler et al.

GROUP: Unknown

SERIAL NO: 09/762,863

EXAMINER: Unknown

FILED: February 14, 2001

FOR: THIN FILM STRAIN SENSORS BASED ON INTERFEROMETRIC  
OPTICAL MEASUREMENTS

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING  
INVENTOR PURSUANT TO 37 C.F.R. §1.47

Now comes William B. Euler who declares as follows:

- 1) That I am a joint inventor of the above-referenced application;
- 2) That the last known address of Mr. Gregg S. Huston, a joint inventor of the above-referenced application, is 23 Tomahawk Trail, Wakefield, Rhode Island 02879;
- 3) That Mr. Huston was a graduate student at the University of Rhode Island circa September, 1997 to October, 1999;
- 4) That on or about October, 1999, I attempted to contact Mr. Huston by phone and e-mail regarding the above-referenced application at his last known address and was not successful;
- 5) That about October 1999 I inquired of Mr. Huston's former home custodian to determine the new residence of Mr. Huston and was not successful.

William B. Euler, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

By: William B. Euler  
William B. Euler

Date: 4/6/01

Title: Professor